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USCG-2003-14749-41

Comments on:  
Department of Homeland Security  
Coast Guard  
33 CFR Parts 104, 160, and 165  
46 CFR Parts 2, 31, 71, 91, 115, 126, and 176  
(USCG-2003- 14749  
RIN 1625-AA46  
Vessel Security

**Part 104 – Vessel Security**  
**Subpart A – General**  
**104.105 Applicability (Page 39303)**

WTA Comment: We noticed that "T" boats were not included in the applicability part; however, on page 39294 under compliance the "T" boats were listed. We support not having the "T" boats be applicable to these rules; but, desire to ensure that the part 104.105 is correct.

**104.130 Waivers and 104.135 Equivalents and 104.140 Alternative Security Programs (Page 39303 and 39304)**

WTA Comment: We appreciate the flexibility the USCG offers with the waiver and equivalent option as well as the Alternative Security Programs.

**104.200 Owner or operator (Page 39304) and 104.210 Company Security Officer (CSO) also page 39304 and 104.215 Vessel Security Officer (VSO) Page 39305**

WTA Comment: Is it the USCG's desire to have a minimum of two security officers within each company, i.e., a Company Security Officer as well as a Vessel Security Officer? Suggest option for this to be a collateral role especially due to small size of a number of ferryboat fleets the request for two security officers is unreasonable.

**104.285 Security measures for monitoring (Page 39310)**

WTA Comment: We support USCG statements of *suggested* types of additional security measures as opposed to *requiring* same. Some of the suggested additional security measures are just not feasible for ferry fleets.

**104.292 Additional requirements – passenger vessels and ferries  
(page 39310)**

WTA Comment: We support the flexibility demonstrated by the USCG in allowing alternatives to passenger screening like security sweeps. This is feasible and a logical procedure. We appreciate the USCG's insight on this subject.

**Subpart D – Vessel Security Plan (VSP) (Page 39312)  
104.400 General**

WTA Comment: Paragraph (a) (1) states that the CSO and VSO must be identified by name or position with a 24 hour contact info. We request that the USCG reconsider the requirement for two security officer positions when, in many cases for typical ferryboat fleets, one position would suffice.

**104.410 Submission and approval (Page 39313)**

WTA Comment: Via paragraph (b) we appreciate that the USCG provided submission requirements for vessels built on or after 01 July 2004.

Via paragraph (f) we support a plan being valid for 5 years.

ferryboat fleet and suggest clarifying same by exempting ferryboats from this paragraph.

**104.255 Declaration of Security (DoS) (Page 39307)**

WTA Comment: Paragraph (b) states "cruise ship or manned vessel carrying Certain Dangerous Cargoes, in bulk, must complete and sign a DoS" so we may assume that this is not applicable to ferryboat fleets.

Paragraph (d) states that at MARSEC Level 2 and 3 a DoS will be required for passenger embarkation or disembarkation; but, (e) states that allows continuing DoS for frequently interface with the same facility. The WTA supports the flexibility the USCG allows with the continuing DoS option.

**104.265 Security measures for access control (Page 39307)**

WTA Comment: Paragraph (e) MARSEC Level 1 (1) states that measures must be implemented to screen persons, baggage, personal effects, etc., at a rate specified in the approved Vessels Security Plan. As this is not feasible for a public ferry transit system, we assume the USCG was focusing on cruise ships and request that the USCG clarify same by exempting ferry fleets from screening all passengers during MARSEC Level 1.

Paragraph (3) states to check the ID of any person seeking to board the vessel including vessel passengers. Again, this is not feasible for a public ferry transit system and we assume the intent was to focus on cruise ships; consequently, we request that the USCG clarify same by exempting ferry fleets from checking the ID of all passengers attempting to board the vessel.

Also, due to assumption that the intent was focusing on cruise ships, request ferry fleets be exempted from paragraphs (8), (9), (10), (11), (12), (13), and (14).

Request ferry fleet exemption from (f) (1), (2) due to fact the intent of these was probably focusing on cruise vessels.

Request ferry fleet exemption from (g) (1), (2), (i), (ii), (iii) due to fact these are focusing on cruise vessels as opposed to ferry fleets.

**104.280 Security measures for delivery of vessel stores and bunkers (Page 39309)**

WTA Comment: Paragraph (d) (2) suggests restricting or suspending delivery of vessel stores and bunkers during MARSEC Level 3. We support the USCG's decision to make this an operator's OPTION and not a requirement.

**104.220 Company or vessel personnel with security duties (Page 39305)**

WTA Comment: paragraph (i) of this part suggests testing and calibration of security equipment and systems, and their maintenance while at sea. It is obvious that this applies to oceangoing vessels as opposed to a typical ferry fleet that resides in Port. Suggest clarifying this paragraph by inserting "ocean going vessels shall...." And, suggest that typical ferry fleets utilize the services of a manufacturer's service representative to perform said duties.

Paragraph (l) discusses screening again and this, too, probably refers to the cruise industry and other ocean going vessels; so, request exempting ferry fleets from said paragraph.

**104.225 Security training for all other vessel personnel (Page 39305)**

WTA Comment: Believe that mandating all other vessel personnel including contractors, whether part-time, full time, temporary, or permanent, must have knowledge of, thorough training or equivalent job experience in various Vessel Security Plan (VSP) requirements is probably possible; but, not feasible if the USCG is focusing on ALL contractors, e.g., service technician onboard to calibrate a security system; or, maintenance crew onboard for work; or, overnight crew onboard to clean. If the intent is to have ALL contractors capable of being utilized in a security situation, suggest stating that "while vessel is in operation all contractors ONBOARD shall ....." With this wording at least the company can prep any contractors working onboard while a vessel is in operation.

**104.230 Drill and exercise requirements (Page 39306)**

WTA Comment: Paragraph ( c ) details the exercise requirements. Suggest extending the annual exercise to "every three years" as currently we are involved in so many exercises that it'll seem like we perform an exercise annually. We are involved in exercises with other operators who are conducting same to meet the requirements and it is going overboard attempting to have all operators perform same on an annual basis.

**104.240 Maritime Security (MARSEC) Level coordination and implementation (Page 39306)**

WTA Comment: Paragraph (e) (1) mentions during MARSEC 3 arrangements to ensure that the vessel can be towed or moved if deemed necessary by the USCG. And (2) mentions waterborne security patrol and (3) mentions armed security personnel and (4) mentions screening the vessel for presence of dangerous substances and devices underwater or other threats. Appears that this is really applicable to oceangoing vessels or cruise ships and not a typical